

Tanya E. Moore, SBN 206683
MOORE LAW FIRM, P.C.
332 North Second Street
San Jose, California 95112
Telephone (408) 298-2000
Facsimile (408) 298-6046
Email: tanya@moorelawfirm.com

Attorney for Plaintiff
Ruthee Goldkorn

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RUTHEE GOLDKORN,

Plaintiff,

vs.

CIM OAKLAND CITY CENTER, LLC, dba
OAKLAND MARRIOTT CITY CENTER, et
al.,

Defendants.

No. 4:15-cv-01561-JSW

**STIPULATION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT AND
TO CONTINUE DATES UNDER
GENERAL ORDER 56; ~~PROPOSED~~
ORDER**

WHEREAS, Plaintiff, Ruthee Goldkorn (“Plaintiff”), has brought this action against Defendants, CIM/Oakland City Center, LLC, dba Oakland Marriott City Center (“CIM,” and together with Plaintiff, “the Parties”), and DiNapoli Capital Partners LLC (“DiNapoli”) alleging violations of Title III of the Americans with Disabilities Act and in part seeking to have barriers to her access removed from the Oakland Marriott City Center hotel located at 1001 Broadway in Oakland, California (“the Facility”), and this matter therefore proceeds under the procedural requirements of General Order 56;

WHEREAS, Defendant DiNapoli was dismissed without prejudice on July 15, 2015 (Dkt. 12);

//

STIPULATION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND TO CONTINUE DATES
UNDER GENERAL ORDER 56; ~~PROPOSED~~ ORDER

1 **WHEREAS**, on April 6, 2015, the Court issued its Scheduling Order for Cases
2 Asserting Denial of Right of Access under the Americans with Disabilities Act (Dkt. 4) (“the
3 Scheduling Order”);

4 **WHEREAS**, pursuant to the Scheduling Order and General Order 56, the last date by
5 which Plaintiff was to complete service of the complaint on defendants or file a motion for
6 administrative relief from the service deadline was June 5, 2015, and the last date by which the
7 parties are to conduct a joint inspection of the subject property is July 20, 2015;

8 **WHEREAS**, Plaintiff has recently learned the identity of the true current legal
9 owner/operator of the Facility, to whom the Facility was transferred during the pendency of
10 this action, and must now amend her complaint to name this entity as it is solely able to
11 remove the barriers to access which Plaintiff alleges exist at the Facility;

12 **WHEREAS**, this amendment would not be prejudicial to CIM, and is not the product
13 of undue delay, proposed in bad faith, or futile;

14 **WHEREAS**, Plaintiff will thereafter need additional time to serve the new defendant
15 and to obtain its participation in the joint site inspection required pursuant to General Order 56;

16 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties,
17 through their respective attorneys of record, that Plaintiff may file a Second Amended
18 Complaint (“SAC”), a copy of which is attached hereto as Exhibit “A.”

19 **IT IS FURTHER STIPULATED** that Plaintiff will file her SAC within five (5)
20 calendar days of the Court’s Order permitting such filing, and that CIM’s response thereto
21 shall be filed within thirty (30) days after the SAC is filed.

22 **IT IS FURTHER STIPULATED** that Plaintiff shall complete service of the summons
23 and SAC on the newly named defendant and shall file a proof of service of summons within
24 thirty (30) days of the filing of the SAC.

25 **IT IS FURTHER STIPULATED** that the joint site inspection required pursuant to
26 General Order 56 ¶ 3 shall be completed by October 9, 2015, and that all other dates and
27 deadlines under General Order 56 which are triggered by the joint site inspection shall be
28 calculated accordingly.

STIPULATION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND TO CONTINUE DATES
UNDER GENERAL ORDER 56; ~~PROPOSED~~ ORDER

1 **IT IS SO STIPULATED.**

2 Dated: July 15, 2015

MOORE LAW FIRM, P.C.

3 /s/ Tanya E. Moore

4 Tanya E. Moore

Attorney for Plaintiff,

5 Ruthee Goldkorn

6 Dated: July 15, 2015

SEYFARTH SHAW LLP

7 /s/ Kristina M. Launey

8 Kristina M. Launey

Attorneys for Defendant,

9 CIM/Oakland City Center, LLC

10 dba Oakland Marriott City Center

11 **ORDER**

12 The Parties having so stipulated and good cause appearing,

13 **IT IS HEREBY ORDERED** that Plaintiff shall file her Second Amended Complaint,
14 a copy of which was filed with the Parties' stipulation, within five (5) calendar days of the date
15 this Order is filed.

16 **IT IS FURTHER ORDERED** that Defendant CIM/Oakland City Center, LLC, dba
17 Oakland Marriott City Center's response thereto shall be filed within thirty (30) days after the
18 Second Amended Complaint is filed.

19 **IT IS FURTHER ORDERED** that Plaintiff shall complete service of the summons
20 and Second Amended Complaint on the newly named defendant and shall file a proof of
21 service of summons within thirty (30) days of the filing of the Second Amended Complaint.

22 **IT IS FURTHER ORDERED** that the joint site inspection required pursuant to
23 General Order 56 ¶ 3 shall be completed by October 9, 2015, and that all other dates and
24 deadlines under General Order 56 which are triggered by the joint site inspection shall be
25 calculated accordingly.

26 **IT IS SO ORDERED.**

27 Dated: July 16, 2015

28 
United States District Judge

STIPULATION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND TO CONTINUE DATES
UNDER GENERAL ORDER 56; ~~PROPOSED~~ ORDER